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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FRANK JONATHAN GUZMAN, and  
JOSE CRUZ IVAN AISPURO,  
  
Defendants.

CASE NO. 2:19-CR-232-JAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: November 2, 2021  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 2, 2021.
2. By this stipulation, the parties request to continue the status conference to January 11, 2022, and to exclude time between November 2, 2021, and January 11, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes approximately 928 pages of investigative reports, photographs, and other documents, as

1 well as multiple video and audio recordings. All of this discovery has been either produced  
2 directly to counsel and/or made available for inspection and copying.

3 b) The Indictment in this case was returned on December 19, 2019. ECF No. 16.

4 c) Counsel for Defendant Guzman, Kelly Babineau, substituted into this case as  
5 counsel of record on February 4, 2020. *See* ECF Nos. 20-22.

6 d) Counsel for defendants need additional time to review the discovery, meet with  
7 their clients to assess the discovery, conduct necessary investigation, conduct legal research into  
8 trial issues and sentencing issues, discuss potential resolutions with their clients, and otherwise  
9 prepare for trial.

10 e) Counsel for defendants believe that failure to grant the above-requested  
11 continuance would deny them the reasonable time necessary for effective preparation, taking into  
12 account the exercise of due diligence.

13 f) The government does not object to the continuance.

14 g) Based on the above-stated findings, the ends of justice served by continuing the  
15 case as requested outweigh the interest of the public and the defendant in a trial within the  
16 original date prescribed by the Speedy Trial Act.

17 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
18 et seq., within which trial must commence, the time period of November 2, 2021 to January 11,  
19 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
20 T4] on the basis of the Court's finding that the ends of justice served by taking such action  
21 outweigh the best interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
24 must commence.

25 IT IS SO STIPULATED.  
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1 Dated: October 25, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

2  
3 /s/ DAVID W. SPENCER  
DAVID W. SPENCER  
Assistant United States Attorney

4  
5 Dated: October 25, 2021

/s/ Kelly Babineau  
Kelly Babineau  
Counsel for Defendant  
FRANK JONATHAN  
GUZMAN

6  
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8  
9 Dated: October 25, 2021

/s/ David W. Dratman  
David W. Dratman  
Counsel for Defendant  
JOSE CRUZ IVAN AISPURO

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12  
13 **FINDINGS AND ORDER**

14 IT IS SO FOUND AND ORDERED this 25<sup>th</sup> day of October, 2021.

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18 /s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE